

Att'y Docket: 2000.01

REMARKS

The claims 5-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In order to overcome the rejection, the applicant amended claim 5 by replacing 'retaining spring and/or magnetic' with 'retaining device' in claim 5 and by correcting 'magnetic' to 'magnet' and further limiting the retaining device in claims 8 and 9.

The claims 5-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Kelly, Jr. (3,116,737).

In response to these rejections, the applicant amended claim 5 by rewriting in independent form including all of the limitations of the base claim and further limitations to the structure as disclosed in the specification.

Even though the reference seems to have the elements and structures similar to the present invention, the invention is distinct from the reference in several critical points.

First of all, the opening bar (40) of the reference is a big chunk of structure to hold the ring posts in it and properly named as "ring carrier" by Kelly, Jr., the inventor. The ring carrier (40) runs all along with the base plate (20) and should be flung back and forth with a considerable force carrying all the binding rings (56) to open or close the rings.

In contrast, the opening bar (3) of the present invention forms a minor portion of the closed ring, and the remaining major portion of the ring does not move in opening or closing the ring. In addition, the opening bar (3) is opened by a pressure by just a few pages of papers and closes itself automatically once the perforated papers is deposited. That is, the whole action of filing papers can be performed with ease even without touching any part of the ring binder with fingers. The invention is about *self-closing* ring binder.

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CONCLUSION

The applicant believes that the rejections were obviated by the amendment of claims, and the application is now in condition for allowance: therefore, reexamination, reconsideration and allowance of the claims are respectively requested. If there are any additional comments or requirements from the examination, the applicant asks for a non-final office action.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any over-payment to Deposit Account No. 16-0310.

Very truly yours,
Park & Sutton LLP

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